

Attorney's Docket No. 33339/234602

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Chantal Cayuela, et al.  
Appl No.: 09/856,969  
Filed: August 1, 2001  
For: SELECTION AND USES OF LACTIC  
ACID BACTERIA STRAINS MODULATING  
NON-SPECIFIC IMMUNITY

Confirmation No.: 5142  
Group Art Unit: 1645  
Examiner: Jana Fines

#8  
Linda  
11/12/02

Commissioner for Patents  
Washington, DC 20231

October 30, 2002

**RESPONSE TO RESTRICTION REQUIREMENT**

In response to requirement for restriction mailed October 9, 2002, applicants provisionally elect the claims of Group I, namely Claims 1-6 and 10-20, with traverse.

Reconsideration by the Examiner and withdrawal of the requirement for restriction are respectfully requested. The technical relationship between the compositions of Group I and the screening process of Group II is that only lactic acid bacteria strains which are "positive" in said screening process, (i.e. which are capable of decreasing the production of NO by cultures of enterocytes preactivated with pro-inflammatory cytokines and bacterial LPS) can be used in said compositions.

This effect of some lactic acid bacteria on the NO response of enterocytes was neither known nor suspected in the prior art. Thus, it clearly constitutes the common inventive concept that links together the claims of Group I and Group II. Consequently, the claims of Group I and Group II should be examined together in the present application. Withdrawal of the Restriction Requirement is requested.

Respectfully submitted,



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Lorna Morehead

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